

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS LOVELADY,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:12-cv-01290-RCJ-PAL

REPORT OF FINDINGS
AND RECOMMENDATION

This matter is before the court on Plaintiff Dennis Lovelady's failure to comply with this court's Order (Dkt. #15) requiring him to either retain substitute counsel or file a notice that he would proceed pro se on or before December 26, 2012, and Plaintiff's failure to comply with the court's Order to Show Cause (Dkt. #16). The Order (Dkt #15) granted Plaintiff's former counsel's motion to withdraw and application to extend time for Plaintiff to respond to certain discovery requests until January 11, 2013. The Motion represented that Plaintiff's mother, Jennifer Loveday, retained counsel on her son's behalf but had not satisfied the terms of the representation agreement. The Order advised Plaintiff that his failure to timely comply with the court's Order could result in sanctions, and was served on both the Plaintiff and his mother. Plaintiff failed to comply with the court's Order.

As a result, on January 14, 2013, the court entered an Order to Show Cause advising Plaintiff that if he wanted to proceed with this case he must respond to the Order to Show Cause by either retaining substitute counsel or by filing a statement that he would appear pro se, that is, representing himself. The Order to Show Cause warned Plaintiff that if he did neither, the court would recommend that this case be dismissed for failure to comply with the court's orders and failure to prosecute. The Order to Show Cause was served on Plaintiff and his mother, Jennifer Lovelady. Plaintiff has not complied with the Order to Show Cause or requested an extension of time in which to comply.

1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff's Complaint be DISMISSED for his failure to either
3 retain substitute counsel or file a notice that he will proceed pro se and for his failure to comply with
4 this court's Order (Dkt. #15) and Order to Show Cause (Dkt. #16) unless Plaintiff retains counsel or
5 files a notice that he will proceed pro se on or before **March 28, 2013**.

6 Dated this 28th day of February, 2013.

7 
8 PEGGY A. LEEN
9 UNITED STATES MAGISTRATE JUDGE

10 **NOTICE**

11 These findings and recommendations are submitted to the United States District Judge assigned
12 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
13 served with these findings and recommendations, any party may file written objections with the court.
14 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
15 recommendations of a magistrate judge shall file and serve *specific written objections* together with
16 points and authorities in support of those objections, within fourteen days of the date of service of the
17 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
18 Findings and Recommendations." The parties are advised that failure to file objections within the
19 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
20 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
21 to the page limitations found in LR 7-4.
22
23
24
25
26
27
28